

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1565 OF 2025

INTERIM APPLICATION NO. 1566 OF 2025

IN

SECOND APPEAL ST NO. 34377 OF 2024

Shilkumar alias Shantinath
Babaso Patil

.....Applicant

Vs.

Rajendra Annasaheb Chougule and anr

.....Respondents

WITH

INTERIM APPLICATION NO. 1608 OF 2025

IN

SECOND APPEAL ST NO. 34337 OF 2024

Shilkumar alias Shantinath
Babaso Patil

.....Applicant

Vs.

Narendra Annasaheb Chougule and anr

.....Respondents

Mr. Ishaan Kapse Advocate for the Applicant

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CORAM : GAURI GODSE, J.

DATE : 11th FEBRUARY 2025

ORDER:

1. These applications are for condonation of delay in filing the

second appeal. Learned counsel for the applicant relies upon the particulars mentioned in the applications regarding the technical difficulties that arose in completing the formalities for filing the second appeals through E-portal.

2. On the merits of the second appeals, learned counsel for the appellant submits that the second appeals would raise substantial question of law on the point of readiness and willingness of the plaintiff to seek specific performance in the year 1988, of all the agreements executed in the year 1985. He submits that in view of filing of a suit for permanent injunction, prior to the filing of the present suit for specific performance, it would also raise bar of Order II Rule 2 of Code of Civil Procedure, 1908.

3. In view of the aforesaid, issue notice to the respondents, returnable on 8th April 2025.

4. In addition to Court notice, learned advocate for the appellant shall serve the respondents by private notice and file affidavit of service before the next date.

[GAURI GODSE, J.]